



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 5210-99

26 May 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served on active duty in the Navy from 24 February 1994 to 2 May 1996, when you were discharged by reason of physical disability because of a right knee condition. Your symptoms were largely subjective in nature, to include mild limitation of motion, pain at extremes of flexion and some difficulties with running and jogging. You were assigned a reenlistment code of RE-3P to indicate you need a waiver of physical disqualification in order to be eligible for reenlistment. Following your discharge, you applied for disability benefits from the Department of Veterans Affairs (VA). Although the VA physicians found little objective evidence of disability referable to the knee, you complained of an inability to exercise, lift heavy objects, and operate a motorcycle, and you felt that you were entitled to a rating of 10% or higher. The VA disagreed, and rated the condition at 0%.

The Board was not persuaded that the finding of unfitness made in your case is erroneous or unjust. It noted that you were found unfit in large part because of your subjective complaints and claimed inability to perform your duties. The fact that you no longer have those complaints is insufficient to warrant any corrective action in your case. Accordingly, your

complaints is insufficient to warrant any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

NAVAL MEDICAL CENTER, SAN DIEGO, CALIFORNIA
REPORT OF MEDICAL BOARD

NAME: [REDACTED] RRS: SN/USN/ACDU
SSN: [REDACTED] REGISTER NUMBER: OUTPATIENT
Date: 11 DEC 95

This 29-year-old, active-duty United States Navy Airman with approximately two years in service is referred on this date, 11 December 1995, for a Physical Evaluation Board with the diagnosis of right patellar tendon rupture status post repair.

Attention is invited to a limited-duty Board dictated December 1994 and renewed in July 1995.

HISTORY OF PRESENT ILLNESS: This is a 29-year-old healthy male who on 23 December 1994 underwent repair of a ruptured right patellar tendon sustained during a flag football game.

PAST MEDICAL HISTORY AND REVIEW OF SYSTEMS: Revealed that this condition was not present at the time of his enlistment.

At the present time, the patient has complaints of mild limitation in range of motion, pain at the extreme of full knee flexion, some difficulties with running and jogging.

His physical examination is notable for a right knee range of motion of 0-120 degrees of flexion with pain at the extreme of flexion. He is stable to varus and valgus. He has no extensor

lag and strong quadriceps strength, but is unable to squat secondary to pain. Clinical examination does demonstrate a healed right patellar ligament repair.

SUMMARY OF DIAGNOSIS:

1. HEALED RIGHT PATELLAR TENDON RUPTURE STATUS POST OPEN REPAIR.

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It is the opinion of this Board that this Member has received the maximum operative and rehabilitation benefits for this condition, but he is not sufficiently recovered to perform the duties of his rate as an Airman. It is further felt that his exertional capabilities will be sufficiently limited so as to preclude his ever returning to full duty. Therefore, this Medical Board refers the patient for a Physical Evaluation Board.

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